Supreme Court, U.S.
FILED
OCT 20 1992
OFFICE OF THE CLERK

NO. 91-2044

IN THE

SUPREME COURT
OF THE UNITED STATES

OCTOBER TERM, 1991

DENNIS MERLE LEE,

Petitioner,

v.

STATE OF CALIFORNIA,

Respondent.

BRIEF OF RESPONDENT IN OPPOSITION TO THE COURT OF APPEAL OF THE STATE OF CALIFORNIA SECOND APPELLATE DISTRICT, DIVISION SIX

BRIEF OF RESPONDENT IN OPPOSITION

DANIEL E. LUNGREN, Attorney General
of the State of California
GEORGE WILLIAMSON, Chief
Assistant Attorney General
CAROL WENDELIN POLLACK, Senior
Assistant Attorney General
ROBERT CARL SCHNEIDER,
Deputy Attorney General
ALISON BRAUN,
Deputy Attorney General
300 South Spring Street, 5th Floor
Los Angeles, California, 90013
Telephone: (213) 897-2276
ATTORNEYS FOR RESPONDENT
[Counsel of Record]

BEST AVAILABLE COPY

QUESTIONS PRESENTED

1. Does California's strict criminal liability law - the Seller Assisted Marketing Plan Act ("SAMP Act") - violate due process by failing to provide fair warning that it applies to single-shot business sales with no continuing legal obligation between the seller and the purchaser?

2. Did the California Court of Appeal violate constitutional due process by compromising the terms of petitioner's plea bargain which expressly preserved a right on appeal to challenge the constitutionality of the SAMP Act as applied to his conduct?

TABLE OF CONTENTS:

		Pages
JUDGMENT BELOW		1
JURISDICTION		2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED		2
STATEMENT OF THE CASE		3
	Introductory Statement	3
ARGUMENT		
I	THE PETITION SHOULD BE DENIED BECAUSE PETITIONER PLED GUILTY AND HE CANNOT CHALLENGE THE STATUTE AS UNCONSTITUTIONAL AS APPLIED TO HIM	7
II	THE SAMP STATUTE IS NOT UNCONSTITUTIONALLY VAGUE AND IT DOES PROVIDE FAIR NOTICE	17
III	PETITIONER'S CLAIM THAT THE SAMP STATUTE DOES NOT PROVIDE FAIR NOTICE BECAUSE THERE IS NO ADVISORY OPINION MECHANISM SHOULD BE DISMISSED	23
IV	THE DECISION BELOW CONFLICTS WITH NO OPINION OF THIS COURT, A FEDERAL COURT OF APPEALS, OR A STATE SUPREME COURT	25
CONCLUSION		26

TABLE OF AUTHORITIES

Pages

Cases

Boyce Motor Lines v. United States,
342 U.S. 337 (1952) 17, 18

Dukes v. Warden,
406 U.S. 250 (1971) 14

General Pictures Co. v. Electric Co.,
304 U.S. 175 (1937) 10

Graver Mfg. Co. v. Linde Co.,
336 U.S. 271 (1948) 15

Grayned v. City of Rockford,
408-U.S. 104 (1972) 18

McCarthy v. United States,
394 U.S. 459 (1969) 8, 13

North Carolina v. Alford,
400 U.S. 25 (1970) 12

Ross v. Moffitt,
417 U.S. 600 (1973) 15

Southern Power Co. v. Pub. Serv. Co.,
263 U.S. 508 (1923) 24

United States v. Broce,
488 U.S. 563 (1988) 8

United States v. Doe,
465 U.S. 605 (1984) 15

United States v. Johnston,
268 U.S. 220 (1924) 9

United States v. Mendenhall,
446 U.S. 544 (1979) 24

United States v. Mims,
928 F.2d 310 (9th Cir. 1991) 14

Yonakim v. Miller,
425 U.S. 231 (1976) 24

Constitutional Provisions

Fourteenth Amendment 7

Statutes

Cal. Civ. Code, § 1812.200, subd. (a) 21

Cal. Civ. Code, § 1812.200, subd. (b) 21

Cal. Civ. Code, §§ 1812.201-1812.220 20

Court Rules

Cal. Rules of Court, rule 977 25

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1991

DENNIS MERLE LEE, Petitioner

v.

STATE OF CALIFORNIA, Respondent

BRIEF OF RESPONDENT IN OPPOSITION
TO THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT, DIVISION SIX

BRIEF OF RESPONDENT IN OPPOSITION

JUDGMENT BELOW

Petitioner, Dennis Merle Lee, seeks review of the unpublished judgment and opinion of the Court of Appeal of the State of California filed on November 27, 1991, which was summarily denied by the California Supreme Court on February 20, 1992. A copy of this opinion is set forth in pages 1-17 of the Appendix of petitioner's Petition for Writ of Certiorari. A copy of the denial of petitioner's Petition for Review by the

California Supreme Court is included on page 18 of the Appendix of that document.

JURISDICTION

Petitioner invokes the jurisdiction of this Court pursuant to 28 U.S.C. 1257(3). Respondent submits that petitioner is without jurisdiction because it involves no conflict of decisions and the question raised is not important because the decision below rests on its own facts and the decision below was a correct one.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Petitioner relies upon the Fourteenth Amendment to the United States Constitution.

> "[N]or shall any state deprive any person of life, liberty, or property without due process of law. . . ."

California Civil Code sections 1812.200 et seq. which is reprinted in the Appendix of petitioner's Petition for Writ of Certiorari at pp. 20-52.

STATEMENT OF THE CASE

Introductory Statement

Petitioner began to advertise a $5,000 business opportunity involving instructional videotapes, business advice, the opportunity to purchase equipment parts at discount prices and the rights to market energy systems.

The Seller Assisted Marketing Plan Act is a consumer protection statute regulating the sale of seller assisted marketing plans (hereinafter referred to as "SAMP"). SAMP sellers often represent to prospective purchasers that the seller will set the purchaser up in business, that only a few hours a week are needed, that no experience is necessary, that the

purchase price is secured against loss, and that the purchaser will make a profit over the amount he must invest. Civ. Code, §§ 1812.200-1812.220.

The SAMP Act is basically a disclosure act. It requires the seller to disclose certain information to prospective purchasers in writing prior to the time a contract is signed. Further, this information must also be filed with the Attorney General's Office prior to the time the seller places an advertisement or otherwise solicits purchasers. Some of the disclosures must be incorporated within a mandatory, written SAMP contract. The disclosures are primarily aimed at giving prospective purchasers full information about the SAMP program, the SAMP seller, and the prospective purchaser's chance for success. *Ibid.*

The Act gives purchasers an

unconditional right to cancel the SAMP contract within three business days after its execution, and this right must be explained in the SAMP contract. *Ibid.*

A list of six proscribed selling practices are set forth and the percentage of the initial contract price which can be collected by the seller prior to delivery to the purchaser is established. *Ibid.*

A bond or trust account is required of sellers who represent that the purchaser's investment is secured. If representations are made by the seller regarding the income or earning potential, the Act provides that the seller must have specified data to substantiate these claims and provide these data to prospective purchasers at the time the representation is made. *Ibid.*

The Act further provides that if the seller uses untrue or misleading

statements in selling the SAMP or fails to disclose the required information or uses a contract which does not comply with the Act, then the purchaser can, within one year of purchase, upon written notice to the seller, void the contract. The provisions of the Act cannot be varied. Civil remedies are provided for purchasers injured by a violation of the Act or by a seller's breach of a contract subject to the Act. Misdemeanor or felony criminal penalties can attach to one who willfully violates any provision of the Act, who uses any scheme to deceive in the sale of a SAMP, or who practices fraud or deceit upon any person in the sale of a SAMP. *Ibid.*

/ / /

/ / /

/ / /

/ / /

ARGUMENT

I

THE PETITION SHOULD BE DENIED BECAUSE PETITIONER PLED GUILTY AND HE CANNOT CHALLENGE THE STATUTE AS UNCONSTITUTIONAL AS APPLIED TO HIM

In the caption to his Argument I, petitioner argues that the California Court of Appeal's decision that the SAMP statute was constitutional as applied to him violates the due process clause of the Fourteenth Amendment. However, this characterization of their decision is not accurate. The California Court of Appeal did not find the statute constitutional as applied to petitioner. It found that because petitioner had pled guilty, he could not then raise on appeal such factual issues. The basis for their ruling was founded on solid, well-established legal principles. By pleading guilty, petitioner has admitted that he

committed at least the minimal acts necessary to constitute the acts prohibited by the SAMP statute. *United States v. Broce*, 488 U.S. 563, 570 (1988); *McCarthy v. United States*, 394 U.S. 459, 466 (1969). Petitioner cannot now, raise issues in regard to his conduct, even in the guise of the argument that the statute as applied to him was unconstitutional, because to do so is an invitation to the appellate court to make factual findings. As the California Court of Appeal states, appellant could not characterize a factual issue as a legal one because "determining the question as a legal issue does not transform it into a reviewable matter since its determination would necessarily require an evaluation of the evidence." Petn. for Cert., App. p. 6. Furthermore, because petitioner pled guilty, the only record is that petitioner admitted

committing acts which are prohibited by the statute. Thus, to ask this Court to determine whether the statute was unconstitutional as applied to petitioner is to ask this Court to determine what those acts were. No appellate court has that power, not even this Honorable Court because appellant admitted what those acts were and because this Court will not grant certiorari to review evidence and discuss specific facts.[1/] *United States v.*

---

1. Consequently, any of the factual issues which petitioner has attempted to cast in constitutional terms are not cognizable by this Honorable Court. These include: that petitioner's sales had no additional payments; whether petitioner's buyers had their money obligations "grow or come to be"; whether or not the trial court stated petitioner's were single-shot sales (the trial court heard argument on constitutional issues regarding the statute but never ruled because petitioner pled guilty when he lost his motion to dismiss for vindictive prosecution); whether or not a law enforcement official told appellant his sales were legal; whether petitioner

Johnston, 268 U.S. 220, 227 (1924); see also *General Pictures Co. v. Electric Co.*, 304 U.S. 175, 178 (1937).

Petitioner has mischaracterized the record when he states that the California Court of Appeal violated constitutional due process by compromising the terms of his plea bargain. The California Court of Appeal found that his plea bargaining agreement merely provided that petitioner did not waive his right to appeal. Petn. App., p. 7. Petitioner now claims the state appellate court failed to honor the terms of his plea bargain by declining "to consider the fair warning component of petitioner's constitutional attack on the SAMP Act based on its ambiguity as applied to single-shot sales." Petn. p. 13. As argued above, petitioner is barred from

---

believed wilfully meant a bad motive.

litigating the issue of whether his sales were "single-shot" and whether the statute was ambiguous as to his conduct. As pointed out by the Court of Appeal, there was no agreement that petitioner could raise non-cognizable issues on appeal after his guilty plea. Petn. App., p. 7.

Petitioner appears to base his claim that the California Court of Appeal compromised his guilty plea upon a phrase taken out of context. After the court explained that petitioner would have to pay restitution only on the charges set forth in the Information, petitioner then asked about bail, stating, ". . . a key issue is for me to have the right to the appeal and to exhaust the appeals of the constitutionality of the SAMP plan basically as it relates to me. I just wanted to clarify that it was -- that I would be capable on bail to exhaust those

remedies before I would have liability. . . ." Petn. App., pp. 59-60.

Petitioner's concern here was that he could have bail on appeal and that he was not using any particular term of art relative to specific constitutional claims. Later, petitioner makes it clear that the only thing he is not admitting by pleading guilty is that he had no intent to defraud and he made that statement at the taking of the plea. See *North Carolina v. Alford*, 400 U.S. 25, 37 (1970); a guilty plea is valid even where a defendant is unwilling to admit participation in the acts contituting the crime. Petn. App., pp. 63-64. The court stated that the parties were agreed about what petitioner was pleading to. Petn. App., p. 64. Petitioner told the court that it had done "a great job of explaining it to me." Petn. App., p. 65.

After petitioner pled guilty to the counts as read in the Information, petitioner answered that he understood that the court must find a factual basis for his plea to ensure that he was entering a plea to the proper offenses under the facts of the case. Petn. App. p. 70. See *McCarthy v. United States, supra,* at pp. 466-467. Later, the court stated, ". . . the only grounds on appeal that appears to me to be actively sought in this case is the unconstitutionality of the law that relates to this whole thing." Petn App., p. 76. The judge did not say, the unconstitutionality as applied to petitioner. If this did not represent the terms of petitioner's plea, there was no objection. Again, on the next page, the district attorney said, ". . . the constitutional basis of the appeal is such that if the court were to determine that

this Code were unconstitutional. . . ." Petn. App., p. 76. There was no "as applied" reference and no objection. See *Dukes v. Warden*, 406 U.S. 250, 256-257 (1971) and *United States v. Mims*, 928 F.2d 310 (9th Cir. 1991); failure to object at sentencing evidences entered into knowingly and voluntarily. Finally, appellant stated he was entering his plea and making these admissions freely and voluntarily and that no other commitments had been made to him or his attorney other than what was in the record on the plea form. Petn. App., p. 80. Thus, the record and appellate court opinion demonstrate that there was no compromise of the terms of petitioner's plea by the California Court of Appeal. Moreover, this argument clearly concerns a factual dispute only and does not involve an issue of federal constitutional dimensions. The

United States Supreme Court is a court of law rather than a court for correction of errors in fact finding in the absence of an obvious and exceptional showing of error. *Graver Mfg. Co. v. Linde Co.*, 336 U.S. 271, 275 (1948); see also *United States v. Doe*, 465 U.S. 605, 614 (1984). Certiorari is a discretionary review and depends on many other factors than the perceived correctness of the judgment. *Ross v. Moffitt*, 417 U.S. 600, 617 (1973).

The issue of whether the statute is so vague and over broad so as to encompass retail sales and is therefore unconstitutional on its face was addressed by the California court. When the Court of Appeal stated that by pleading guilty, petitioner has waived any right to have the facts of this case examined on appeal, it pointed out, "We do not thereby mean to imply that a defendant may never challenge

a statute on constitutional vagueness grounds following a guilty plea. Such challenge possibly could be reviewed on its merits where the language of a statute is so patently ambiguous that it is rendered void for vagueness regardless of the nature of defendant's particular acts. That is not the case here. The statutory language is sufficiently specific to exclude transactions involving retail sales." Thus, contrary to petitioner's contention, the constitutional issues were addressed by the Court of Appeal.

In summary, because petitioner admitted that his conduct fell within the purview of the SAMP Act, the only avenue left open to him is whether the statute is so vague that on its face, its infirmity can be established regardless of at whose insistence it is alleged, and petitioner's conduct is irrelevant.

II

THE SAMP STATUTE IS NOT UNCONSTITUTIONALLY VAGUE AND IT DOES PROVIDE FAIR NOTICE

The SAMP statute is not unconstitutionally vague because it clearly sets forth what criminal conduct is prohibited.

The United States Supreme Court has held that no more than a reasonable degree of certainty can be demanded from criminal statutes. *Boyce Motor Lines v. United States*, 342 U.S. 337, 340 (1952).

> "A criminal statute must be sufficiently definite to give notice of the required conduct to one who would avoid its penalties, and to guide the judge in its application and the lawyer in depending one charged with its violation. But few words possess the precision of mathematical symbols, most statutes must deal with

> untold and unforeseen variations in factual situations, and the practical necessities of discharging the business of government inevitably limit the specificity with which legislators can spell out prohibitions. Consequently, no more than a reasonable degree of certainty can be demanded." *Ibid.* "The notice provided must be such that prosecution does not `trap the innocent' without `fair warning.'" *Grayned v. City of Rockford*, 408 U.S. 104, 108 (1972).

A SAMP is any sale or offer to sell any product, equipment, supplies or services for an initial payment of between $500 and $5,000 which will aid the purchaser in beginning, maintaining or operating a business when the seller has advertised or otherwise solicited and done one of the three following things:

(1) represented that the buyer will earn more than his initial investment;

(2) represented that there is a market;

(3) represented that he is likely to buy back any product (in whole or in part) marketed by the SAMP buyer and the seller has (a) sold or represents that he has sold at least five SAMPs within the 24 months prior to the solicitation, or (b) intends or represents that he intends to sell at least five SAMPs in the 12 months following the solicitation. See Petn. App., pp. 20-52 for a reprint of the statute.

In other words, the conduct engaged in qualifies as a SAMP even if the prospective SAMP sellers only makes an offer to sell a product etc. which will aid another in starting or operating a business and he also makes the

representations set forth in section 1812.201. If the conduct of the prospective SAMP seller fits section 1812.201, then he must have registered with the Attorney General and complied with the disclosure and other requirements of the remaining sections of Title 2.7 of the Civil Code. §§ 1812.201-1812.220. There is absolutely no need of an executory contract at all, let alone one which obligates the SAMP seller to sell the SAMP buyers services or supplies in the future.

The impetus of the statute is not that the SAMP seller is offering to sell services to the SAMP buyer (although that is quite often the case), but that he is offering a marketing plan -- something that will assist the buyer in establishing or operating a business. The statute was created as a result of the Legislature's

concern about inexperienced purchasers who make initial payments for overpriced products or equipment purporting to aid them in establishing a business that will easily make them self-sufficient. The seller typically does not provide complete information to make the SAMP workable coupled with inaccurate information in regard to the amount of money they can reasonably expect to earn with inaccurate claims about the previous success of the SAMP offered. Cal. Civ. Code, § 1812.200, subd. (a). The Legislature clearly stated, "It is the intent of this title to provide each prospective seller assisted marketing plan purchaser with the information necessary to make an intelligent decision regarding seller assisted marketing plans being offered." Cal. Civ. Code, § 1812.200, subd. (b). Thus, the statute clearly states that no

obligation is necessary -- all the prospective SAMP seller need do is make the offer because the goal is to prevent misleading representations in SAMP sales and to prevent unfair contract terms. The fact that many types of retail sales, even "single-shot" sales, would be swept into the regulatory framework is precisely the point of the statute. The purpose of the statute is the valid and necessary protection of the public.

As can be seen, despite the fact that the statute may apply to a one-time sale of a product which purports to aid the buyer in beginning, maintaining or operating a business and may also apply to a sale of such a product in which the contract contemplates future support in terms of equipment, services, supplies, etc., and despite the fact that the statute may affect a wide range of

industries, trades or professions, the conduct proscribed is defined with precision. It is as easy as "checking the boxes"; no guesswork is involved. If the above conditions are met, the transaction qualifies under the statute. The relative simplicity or complexity of the contract or obligation involved is not determinative.

Since petitioner has failed to show and indeed cannot show that the statute is unconstitutionally vague so that he was not provided with fair notice, the petition for writ of certiorari should be denied.

III

PETITIONER'S CLAIM THAT THE SAMP STATUTE DOES NOT PROVIDE FAIR NOTICE BECAUSE THERE IS NO ADVISORY OPINION MECHANISM SHOULD BE DISMISSED

Petitioner claims that the SAMP statute does not provide fair notice

because there is no "advisory opinion mechanism." However, petitioner does not explain at all what he means by this. Since petitioner has failed to meet his burden for clear, definite and complete disclosures concerning the controversy, the claim should be dismissed. *Southern Power Co. v. Pub. Serv. Co.*, 263 U.S. 508, 509 (1923).

Furthermore, it does not appear that this claim was raised below. (Please refer to Petn. App., pp. 1-17; App. pp. 1-2, the cover sheet and table of contents to petitioner's Petition for Review in the California Supreme Court. The United States Supreme Court will not generally consider matters neither raised nor decided by the court below. *United States v. Mendenhall*, 446 U.S. 544, 551-552, n. 5 (1979); *Yonakim v. Miller*, 425 U.S. 231, 234 (1976).

IV

THE DECISION BELOW CONFLICTS WITH NO OPINION OF THIS COURT, A FEDERAL COURT OF APPEALS, OR A STATE SUPREME COURT

Under the guidelines of this Court's rule 17, a most important consideration in the decision whether to grant certiorari is the existence of a conflict with the decisions of this Court, or conflicting interpretations of a federal question by a state court of last resort and another such state court or federal Court of Appeals. This case presents no such conflict, nor does petitioner claim such a conflict. Moreover, the unpublished opinion below, rendered by a California appellate court, binds no other appellate court and is not even citeable as authority within the State of California.

See Cal. Rules of Court rule 977.[2/]

CONCLUSION

For the foregoing reasons, respondent respectfully requests the Petition for Writ of Certiorari be denied.

Dated: October 19 1992

Respectfully Submitted,

DANIEL E. LUNGREN, Attorney General
Attorney General
GEORGE WILLIAMSON, Chief Assistant
Attorney General
CAROL WENDELIN POLLACK, Senior
Assistant Attorney General
ROBERT CARL SCHNEIDER,
Deputy Attorney General

Alison Braun

ALISON BRAUN
Deputy Attorney General

ATTORNEYS FOR RESPONDENT
[Counsel of Record]

---

2. California Rules of Court rule 977 provides in relevant part, "An opinion that is not ordered published shall not be cited or relied on by a court or a party in any other action or proceeding except as provided in subdivision (b)."

No. 91-2044

In The

SUPREME COURT OF THE UNITED STATES

October Term, 1991

DENNIS MERLE LEE,

Petitioner,

v.

THE PEOPLE OF THE STATE OF CALIFORNIA,

Respondent.

APPENDIX TO BRIEF OF RESPONDENT IN OPPOSITION TO THE COURT OF APPEAL OF THE STATE OF CALIFORNIA SECOND APPELLATE DISTRICT, DIVISION SIX

TABLE OF CONTENTS

	Pages
Cover Sheet of Petitioner's Petition for Review in the California Supreme Court	App. 1
Table of Contents from Petitioner's Petition for Review in the California Supreme Court	App. 2

APPENDIX A

APP. 1

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

NO._____

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff/Respondent,

v.

DENNIS MERLE LEE,

Defendant/Appellant.

APPELLANT'S PETITION FOR REVIEW

COURT OF APPEAL OF THE SECOND APPELLATE DISTRICT
DIVISION SIX NO. 2 CRIMINAL B052314

(Appeal From the Superior Court of Ventura County
Honorable Robert J. Soares, Presiding
Ventura No: CR-24072)

WILLIAM A. COHAN
COHAN & GREENE
1410 Santa Fe Drive
Encinitas, California 92024
Tel: (619) 436-0044

Attorney for Defendant/Appellant
DENNIS M. LEE

APPENDIX B

APP. 2

TABLE OF CONTENTS

	PAGE:
TABLE OF AUTHORITIES	(ii)
STATEMENT OF THE CASE	1
STATEMENT OF THE UNDISPUTED FACTS	3
ARGUMENT	4
I. THE APPELLATE COURT INCORRECTLY HELD HAT APPELLANT WAIVED HIS RIGHT TO REVIEW	4
a. The Record Establishes the Parties and the Trial Court Agreed that Lee Preserved his Right to Appeal the Trial Court's Rulings on Questions of Law	8
b. The Appeals Court Erred in Holding that the Guilty Pleas Constituted a Waiver of the Right to Review on the Merits of All Legal Issues Raised	11
c. The Appellate Court Erred in Holding that by Pleading Guilty Lee Waived the Right to Challenge the SAMP Act for Vagueness	15
II. THE APPEALS COURT ERRED IN REFUSING TO ADDRESS THE VAGUENESS OF THE ACT AND THE RULE OF LENITY	23
CONCLUSION	28
CERTIFICATES OF SERVICE and FILING	30

NO. 91-2044

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1991

DENNIS M. LEE, Petitioner,

v.

STATE OF CALIFORNIA, Respondent.

BRIEF OF RESPONDENT IN OPPOSITION

I, F. MITCHELL, declare as follows:

I am over 18 years of age, and not a party to the within cause; my business address is 300 S. Spring Street, 5th Floor, Los Angeles, California 90013;

I served a copy of the **BRIEF OF RESPONDENT IN OPPOSITION** in the above entitled case on each of the following persons:

(Please attached list)

by placing same in an envelope(s) addressed to the post office address of each said person(s), and by sealing and then depositing each said envelope, on OCT 20 1992, in the United States mail at Los Angeles, California, with first-class postage thereon fully prepaid;

I thereby have served all parties required to be served;

I declare under penalty of perjury that the foregoing is true and correct.

Executed on OCT 20 1992, at Los Angeles, California.

Declarant

F. MITCHELL

LA92US0004

SERVICE LIST

Bruce Elliot Fein, Esq. (3 Copies)
562 Innsbruck Avenue
Great Falls, VA 22066

California Court of Appeal
Second Appellate District
Division Six
1280 S. Victoria Ave., #201
Ventura, California 93003

Rebecca Riley
Deputy District Attorney
800 South Victoria Avenue
Ventura, California 93009

Hon. Sheila Gonzalez, Clerk
800 South Victoria Avenue
Ventura, California 93009